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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,200	07/10/2003	Ying-Che Huang	03171-URS	4173

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EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT PAPER NUMBER

3746

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/618,200	Applicant(s) HUANG ET AL.	
	Examiner William H. Rodriguez	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-3 are objected to because of the following informalities:

With respect to claim 1, the recitation “tge” in line 6 is presumed to be --the-- for proper clarity. Appropriate correction is required.

With respect to claim 2, the recitation “the cylinder” in line 3 is presumed to be --the air cylinder-- for proper antecedent basis. Appropriate correction is required.

With respect to claim 3, the recitation “the cylinder” in lines 2 and 3 is presumed to be --the air cylinder-- for proper antecedent basis. Appropriate correction is required.

Drawings

2. **Figure 5 should be designated by a legend such as --Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

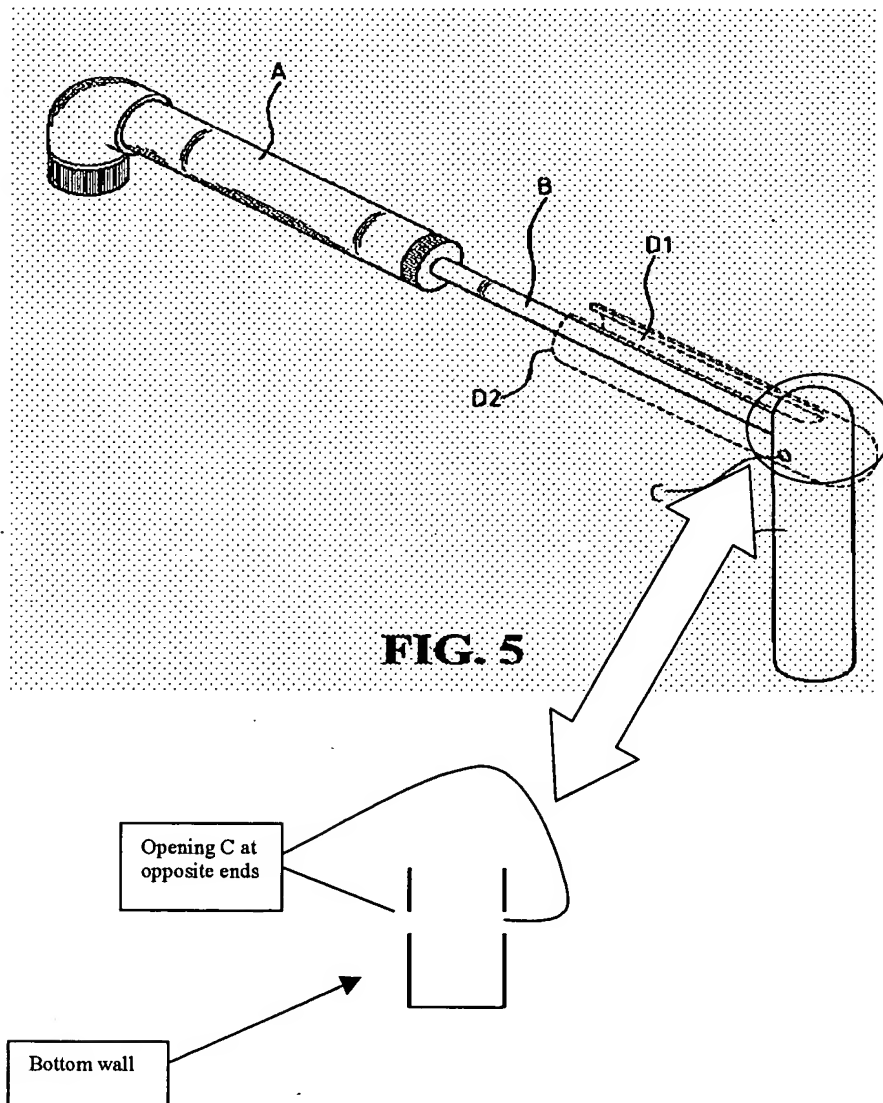
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by **Prior Art Figure 5**.



With respect to claim 1, **Prior Art Figure 5** teaches a collapsible handgrip for inflator, comprising: an air cylinder A having a shaft B connected with a piston (not shown but inherent), in which a stud (not shown but inherent*) arranged at one end of the shaft extends out of the

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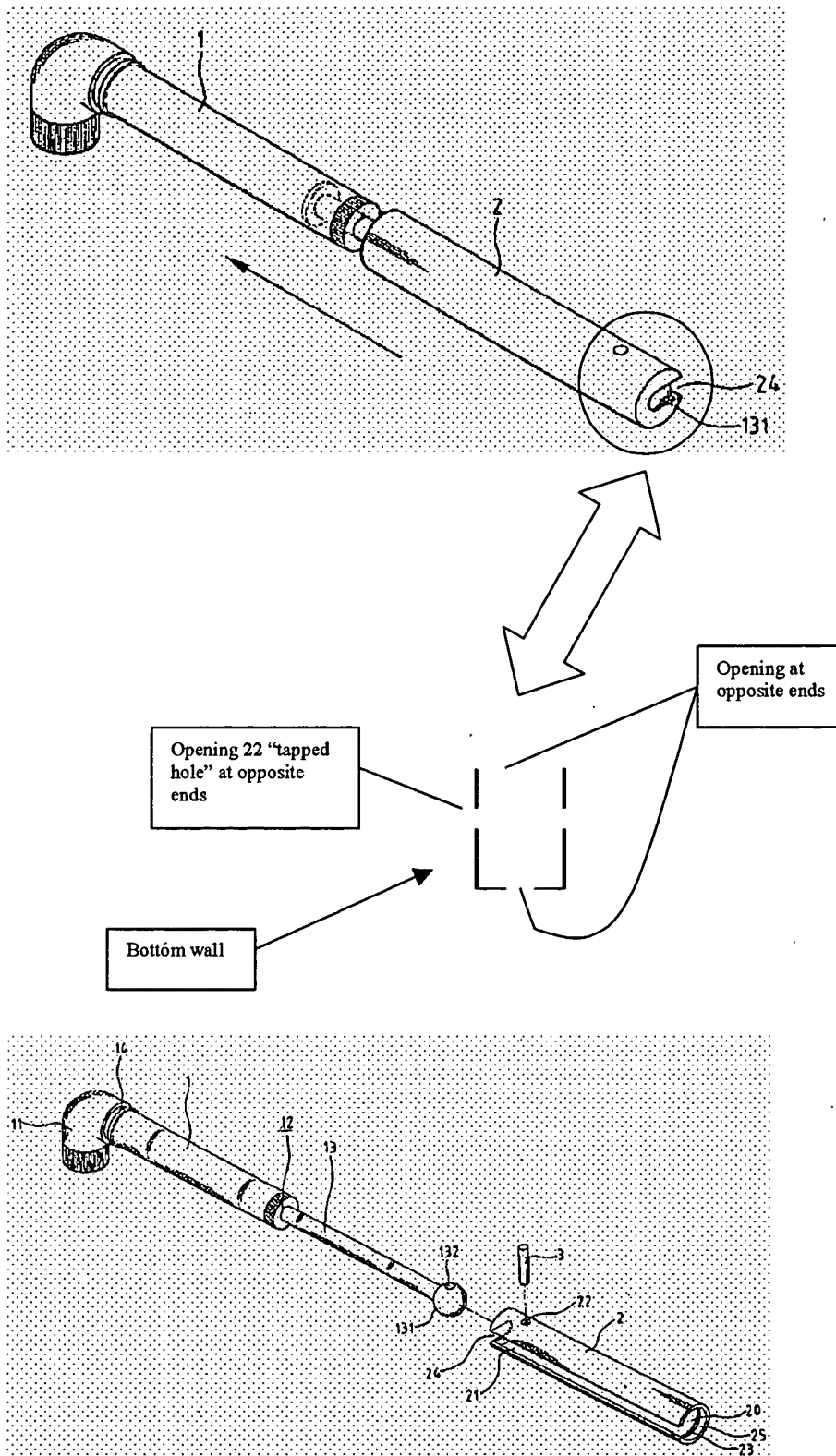
cylinder; and a handgrip D which is a hollow tubular body having a bottom wall and an opening at the opposite end, in which a tapped hole C is formed in the bottom wall for locking the stud and storing the cylinder in the handgrip, and the stud is also meant to be locked to the tapped hole through the bottom wall of the handgrip for extending the length of the shaft. See particularly **Figure 5** above.

*The stud is an inherent feature as shown by US 6,817,060 (see element 131).

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by **Huang et al. (US 6,817,060)**.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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With respect to claim 1, **Huang** teaches a collapsible handgrip for inflator, comprising: an air cylinder 1 having a shaft 13 connected with a piston (not shown but inherent), in which a stud 131 arranged at one end of the shaft extends out of the cylinder; and a handgrip 2 which is a hollow tubular body having a bottom wall and an opening at opposite ends, in which a tapped hole 22 is formed in the bottom wall for locking the stud and storing the cylinder in the handgrip, and the stud is also meant to be locked to the tapped hole through the bottom wall of the handgrip for extending the length of the shaft. See particularly **Figures 1-4**.

With respect to claim 3, **Huang** teaches that the collapsible handgrip further comprises a flange 14 that is formed on an outer surface of the cylinder and a groove 23 is formed in an inner wall of the handgrip such that the flange is engageable to the groove for fixing the cylinder in the handgrip. See particularly **Figure 1**.

With respect to claim 1, **Wu** teaches a collapsible handgrip for inflator, comprising: an air cylinder 10 having a shaft 11 connected with a piston 12, in which a stud 112 arranged at one

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end of the shaft extends out of the cylinder; and a handgrip 17 which is a hollow tubular body having a bottom wall and an opening at the opposite end, in which a tapped hole is formed in the bottom wall for locking the stud and storing the cylinder in the handgrip, and the stud is also meant to be locked to the tapped hole through the bottom wall of the handgrip for extending the length of the shaft. See particularly **Figures 2, 3**.

With respect to claim 3, **Wu** teaches that the collapsible handgrip further comprises a flange 161 (see Figure 2) that is formed on an outer surface of the cylinder and a groove 172 is formed in an inner wall of the handgrip such that the flange is engageable to the groove for fixing the cylinder in the handgrip. See particularly **Figure 2**.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang et al. (US 6,817,060)**.

Huang teaches that the shaft has a cross section and a through hole shaped corresponding to the cross section of the shaft is formed in a terminal wall of the cylinder to permit the shaft to move axially only, not rotationally in the through hole, when the shaft extends through the through hole. **Huang** does not teach that the shaft has a non-circular cross section but a circular one. However, making the shaft non-circular was a design choice within the level of one of ordinary skill in the art at the time the invention was made. Accordingly, it would have been

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prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Huang such that the shaft has a non-circular cross section because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Huang.


Note: The same reasoning above can be combined with the other references (US '196 and Prior art Figure 5) to reject claim 2 under 35 USC 103 (a).

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Rodriguez 9/26/05
Examiner
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